

IN RE: PETITION FOR SPECIAL  
EXCEPTION & VARIANCE  
E/S Merritt Blvd. 100' NE  
c/1 North Point Blvd.  
12th Election District  
7th Councilmanic District  
PTW Limited Partnership  
c/o Siena Corporation  
Petitioner

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* CASE #89-362-XA

**FINDINGS OF FACTS AND CONCLUSIONS OF LAW**

The Petitioner requests approval of a Special Exception to use the herein described property for a living quarters in a commercial building, pursuant to Section 236.4, and a Petition for a Zoning Variance from:

1. Section 238.2 for a 12' side setback instead of the required 30' for the office/residence;
2. Section 238.2 for a 15' side setback instead of the required 30' for the mini-storage building (1 story);
3. Section 238.1, 238.2 and 102.2, so as to permit the following building to building setbacks in lieu of the maximum required 60':
  - (a) 30' between the proposed retail building and mini-storage building (1 story);
  - (b) 26' between the two (2) mini-storage buildings;
  - (c) 45' between the mini-storage building (1 story) and the office/residence;
  - (d) 30' between the two story mini-storage buildings.

as more particularly described on Petitioner's Exhibit 1.

The Petitioner, Mr. Richard Israel, Project Executive, appeared, testified and was represented by E. Harrison Stone, Esquire. The Petitioner was supported in his testimony by Mr. Wes Guckert and Mr. Anthony J. Cortea. There were no Protestants.

The Petitioner testified that, based on his professional experience, it was his opinion that the business would not cause any adverse impact and would not create traffic congestion over and above what already exists. He testified that the conditions delineated in Section 502.1 Baltimore County Zoning Regulations will be satisfied.

Messrs. Guckert and Cortea both testified that, in their opinion, the proposed use at the subject property would not be detrimental to the health, safety, and general welfare of the community, and that the conditions delineated in Section 502.1 of the B.C.Z.R. will be satisfied.

The issue in the Special Exception is whether or not the requirements of Section 502.1 of the B.C.Z.R. have been successfully met by the Petitioner. The cases clearly establish that "... the appropriate standard to be used in determining whether a requested special exception use would have an adverse affect and, therefore, should be denied is whether there are facts and circumstances that show the particular use, proposed at the particular location, would have any adverse affect above and beyond those inherently associated with such a special exception use irrespective of its location within the zone." Schultz v. Pritts, 291 Md. 1, 432 A.2d 1319 at 1327 (1981).

The Court went on to say in Schultz that,

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"... the applicant has the burden of adducing testimony which will show that his use meets the prescribed standards and requirements, he does not have the burden of establishing affirmatively that his proposed use would be a benefit to the community. If he shows to the satisfaction of the Board that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest, he has met his burden. The extent of any harm or disturbance to the neighboring area and uses is, of course, material. If the evidence makes the question of harm or disturbance or the question of the disruption of the harmony of the comprehensive plan of zoning fairly debatable, the matter is one for the Board to decide. But, if there is no probative evidence of harm or disturbance in factors causing disharmony to the operation of the comprehensive plan, a denial of an application for a special exception use is arbitrary, capricious and illegal." (at pg.1325)

The Petitioner must only show to the satisfaction of the Zoning Commissioner that the proposed use would be conducted without real detriment to the community to meet his burden. See, Turner v. Hammond, 270 Md. 41, 310 A.2d 543 (1973). When the Petitioner produces credible and probative evidence on all of the specific issues established by Section 502.1, then a special exception should be granted.

In fact, the Petitioner has shown that the proposed use would be conducted without real detriment to the community and would not adversely affect the public good.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

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- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variances were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on the Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED, by the Zoning Commissioner of Baltimore County, Maryland, this 14<sup>th</sup> day of April, 1989 that

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the Petition for Special Exception to use the herein described property for a living quarters in a commercial building, pursuant to Section 236.4 and a Petition for a Zoning Variance from:

1. Section 238.2 for a 12' side setback instead of the required 30' for the office/residence;
2. Section 238.2 for a 15' side setback instead of the required 30' for the mini-storage building (1 story);
3. Section 238.1, 238.2 and 102.2, so as to permit the following building to building setbacks in lieu of the maximum required 60':
  - (a) 30' between the proposed retail building and mini-storage building (1 story);
  - (b) 26' between the two (2) mini-storage buildings;
  - (c) 45' between the mini-storage building (1 story) and the office/residence;
  - (d) 30' between the two story mini-storage buildings.

as more particularly described on Petitioner's Exhibit 1, be and the same is hereby GRANTED, subject to the following restrictions:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

*J. Robert Haines*  
J. ROBERT HAINES  
ZONING COMMISSIONER  
BALTIMORE COUNTY

-5-

JRH:mmm  
cc: Peoples Counsel  
Mr. Richard Israel, Siena Corp., 8350 Bristol Court, Suite 101, Jessup, Maryland 20794  
E. Harrison Stone, Esquire, 102 W. Pennsylvania Ave., Towson, Md. 21204  
Mr. Wes Guckert, 414 E. Joppa Road, Towson, Maryland 21204  
Mr. Anthony J. Cortea, 21 Governors Court, Baltimore, Md. 21207

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 857-3353  
J. Robert Haines  
Zoning Commissioner

April 13, 1989



E. Harrison Stone, Esquire  
102 W. Pennsylvania Avenue  
Towson, Maryland 21204

RE: Petition for Special Exception & Variance  
Case #89-362 XA  
PTW Limited Partnership, Petitioner

Dear Mr. Stone:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Exception and Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 857-3391.

Very truly yours,

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner

JRH:mmm

cc: Peoples Counsel  
Mr. Richard Israel, Siena Corp., 8350 Bristol Court, Suite 101, Jessup, Maryland 20794  
E. Harrison Stone, Esquire, 102 W. Pennsylvania Ave., Towson, Md. 21204  
Mr. Wes Guckert, 414 E. Joppa Road, Towson, Maryland 21204  
Mr. Anthony J. Cortea, 21 Governors Court, Baltimore, Md. 21207

**PETITION FOR ZONING VARIANCE**  
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated at 8350 Bristol Court, Suite 101, Towson, Maryland 20794, and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 238.2 of the Zoning Regulations of Baltimore County, Maryland, to the following:

1. Strict compliance with setback requirement would unreasonably prevent use of property for a permitted purpose and would be unnecessarily burdensome.
2. Relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare are secured.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: \_\_\_\_\_  
(Type or Print Name)  
Signature: \_\_\_\_\_  
Address: \_\_\_\_\_  
City and State: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Legal Owner(s): \_\_\_\_\_  
(Type or Print Name)  
By: *Richard E. Israel*  
Signature: *Richard E. Israel*, Project Executive  
(Type or Print Name)  
Signature: \_\_\_\_\_  
c/o Siena Corporation  
8350 Bristol Court, Suite 101  
Address: \_\_\_\_\_ Phone No. \_\_\_\_\_  
Jessup, MD 20794  
City and State: \_\_\_\_\_  
Name: Richard Israel  
8350 Bristol Court, Suite 101  
Address: Jessup, MD Phone No. (301) 792-8395  
Attorney for Petitioner:  
E. Harrison Stone  
(Type or Print Name)  
Signature: \_\_\_\_\_  
102 W. Pennsylvania Avenue  
Address: \_\_\_\_\_  
Towson, MD 21204  
City and State: \_\_\_\_\_  
Attorney's Telephone No.: (301) 823-1800

ORDERED By The Zoning Commissioner of Baltimore County, this 14<sup>th</sup> day of April, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 14<sup>th</sup> day of April, 1989, at 2:30 o'clock P.M.

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner of Baltimore County.

(over)

**ATTACHMENT TO PETITION FOR ZONING VARIANCE**  
**PTW LIMITED PARTNERSHIP, c/o SIENA CORPORATION**

1. Section 238.2 for a 12' side setback instead of the required 30' for the office/residence;
2. Section 238.2 for a 15' side setback instead of the required 30' for the mini-storage building (1 story);
3. Sections 238.1, 238.2 and 102.2, so as to permit the following building to building setbacks in lieu of the maximum required 60':
  - a) 30' between the proposed retail building and mini-storage building (1 story);
  - b) 26' between the two (2) mini-storage buildings;
  - c) 45' between the mini-storage building (1 story) and the office/residence.

1408g



# PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for a living quarters in a commercial building pursuant to Section 236.4

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Legal Owner(s):  
PTW Limited Partnership  
(Type or Print Name)  
Signature: Richard E. Israel, Project Executive  
(Type or Print Name)  
Signature:  
City and State:  
Attorney for Petitioner: c/o Siena Corporation  
L. Harrison Stone, 8350 Bristol Court, Suite 101  
(Type or Print Name) Address Phone No.  
Jessup, MD 20794  
Signature: City and State:  
102 W. Pennsylvania Avenue  
Address  
Towson, MD 21204  
City and State:  
Attorney's Telephone No. (301) 823-1800 8350 Bristol Court, Suite 101  
Address Phone No. (301) 792-8395

ORDERED By The Zoning Commissioner of Baltimore County, this day of February 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the day of February 1989 at 9:30 o'clock a.m.

J. Robert Haines  
Zoning Commissioner of Baltimore County.

ESTIMATED LENGTH OF HEARING - 1 HOUR  
AVAILABLE FOR HEARING - 10:00 AM - 1:00 PM  
NON-ADVERTISED - TEXT THIS NUMBER  
12/30/88

## CERTIFICATE OF PUBLICATION

TOWSON, MD, Feb. 23, 1989  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Feb. 23, 1989.

THE JEFFERSONIAN,

S. Zebe Olson  
Publisher

PO 09806  
reg. M25269  
price 51.22

## CERTIFICATE OF POSTING

District: 12.76 Date of Posting: 2/11/89  
Posted for: Special Exception & Variance  
Petitioner: PTW Limited Partnership  
Location of property: 102 W. Pennsylvania Ave., 100' NE of North Point Blvd.  
Location of signs: 102 W. Pennsylvania Ave., 100' NE of North Point Blvd.  
Remarks:  
Posted by: [Signature] Date of return: 2/24/89  
Number of Signs: 2

## ATTACHMENT TO PETITION FOR ZONING VARIANCE

PTW LIMITED PARTNERSHIP, c/o SIENA CORPORATION

- Section 238.2 for a 12' side setback instead of the required 30' for the office/residence;
- Section 238.2 for a 15' side setback instead of the required 30' for the mini-storage building (1 story);
- Sections 238.1, 238.2 and 102.2, so as to permit the following building to building setbacks in lieu of the maximum required 60':
  - 30' between the proposed retail building and mini-storage building (1 story);
  - 26' between the two (2) mini-storage buildings;
  - 45' between the mini-storage building (1 story) and the office/residence;
  - 30' between the two story mini-storage buildings.

1408g

## CERTIFICATE OF PUBLICATION

OFFICE OF  
Dundalk Eagle

4 N. Center Place  
P.O. Box 8936  
Dundalk, Md. 21222 February 23, 1989

THIS IS TO CERTIFY, that the annexed advertisement of J. Robert Haines in the matter of Zoning Hrgs. Case #89-362-XA - P.O. #09805 - Reg. #M25270 - 117 lines was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week for one successive weeks before the 24th day of February 1989; that is to say, the same was inserted in the issues of Feb. 23, 1989

Kimbel Publication, Inc.  
per Publisher.

By K.C. Ode

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3353

J. Robert Haines  
Zoning Commissioner

PTW Limited Partnership  
c/o Siena Corporation  
8350 Bristol Court, Suite 101  
Jessup, Maryland 20794

ATTN: RICHARD ISRAEL

Re: Petition for Special Exception and Zoning Variance  
CASE NUMBER: 89-362-XA  
102 W. Pennsylvania Ave., 100' NE of North Point Blvd.  
12th Election District - 7th Councilmanic  
Petitioner(s): PTW Limited Partnership  
HEARING SCHEDULED: FRIDAY, MARCH 10, 1989 at 9:30 a.m.

Settlements

Please be advised that \$139.72 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

should you fail to return the sign and post set(s), there shall be \$25.00 added to the above fee for each set not returned.

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

DATE: 3/10/89 ACCOUNT: P-1165-0000 No. 037653

AMOUNT: \$ 139.72

FOR: P.A. Holsinger 89-362-XA

VALIDATION OR SIGNATURE OF CARRIER

STV ASSOCIATES  
ENGINEERS ARCHITECTS PLANNERS  
21 GOVERNORS COURT  
BALTIMORE, MD 21207-2722  
301/944-9112

ZONING DESCRIPTION OF  
P.T.W. LIMITED PARTNERSHIP PROPERTY  
SOUTHEAST CORNER MERRITT BOULEVARD & NORTH POINT BOULEVARD  
ELECTION DISTRICT 15, BALTIMORE COUNTY, MARYLAND

BEGINNING at a point along the easterly side of Merritt Boulevard (variable width right of way), said point being distant approximately 100 feet northeast of the existing centerline of North Point Road and approximately 95 feet southeast of the centerline of median strip of Merritt Boulevard, thence along said easterly side of Merritt Boulevard,

- North 23°28'48" East 283.74 feet, and,
- North 48°12'58" East 74.25 feet, thence with a site fillet,
- North 65°44'54" East 120.66 feet to a point on the southwest side of North Point Boulevard, Maryland Route No. 151, (variable width right of way), thence along same, by a curve to the right having:
  - A radius of 5,606.71 feet, an arc length of 98.17 feet, said curve being subtended by a chord bearing South 61°45'11" East 98.16 feet, and,
  - South 68°29'21" East 312.48 feet, and,
  - South 58°06'32" East 17.45 feet, thence leaving said North Point Boulevard and running for a line distant 170 feet northwest of and parallel to the centerline of Carroll Avenue,
  - South 40°14'28" West 523.76 feet, thence for three following courses and distances:
    - North 49°28'33" West 189.64 feet thence,
    - South 13°39'08" West 70.63 feet thence,
    - South 41°32'30" West 100.33 feet to a point in the center of North Point Road, Maryland Route No. 20, thence in said road,
    - North 49°11'53" West 99.33 feet, thence leaving said North Point Road and running,
    - North 43°58'13" East 35.47 feet thence,
    - North 37°50'23" West 51.94 feet thence,

- North 12°34'58" West 102.28 feet to the point of beginning.
- Containing 5.274 acres of land, more or less.

Mark A. Riddle  
STV ASSOCIATES  
Mark A. Riddle  
MD Reg. Property Line Surveyor No. 244



PLEASE PRINT CLEARLY

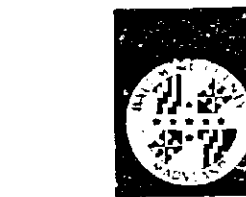
PETITIONER(S) SIGN-IN SHEET

NAME ADDRESS  
Wes Guenert 102 W. Pennsylvania Ave., Towson, Md.  
ANTHONY J. CORTESE 4145 Lippa Rd. Towson 21204  
RICHARD ISRAEL 21 GOVERNORS CT. BALD. MD 21207  
SIENA CORP. 8350 BRISTOL CT JESSUP MD 20794

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3353  
J. Robert Haines  
Zoning Commissioner

February 8, 1989

## NOTICE OF HEARING



The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

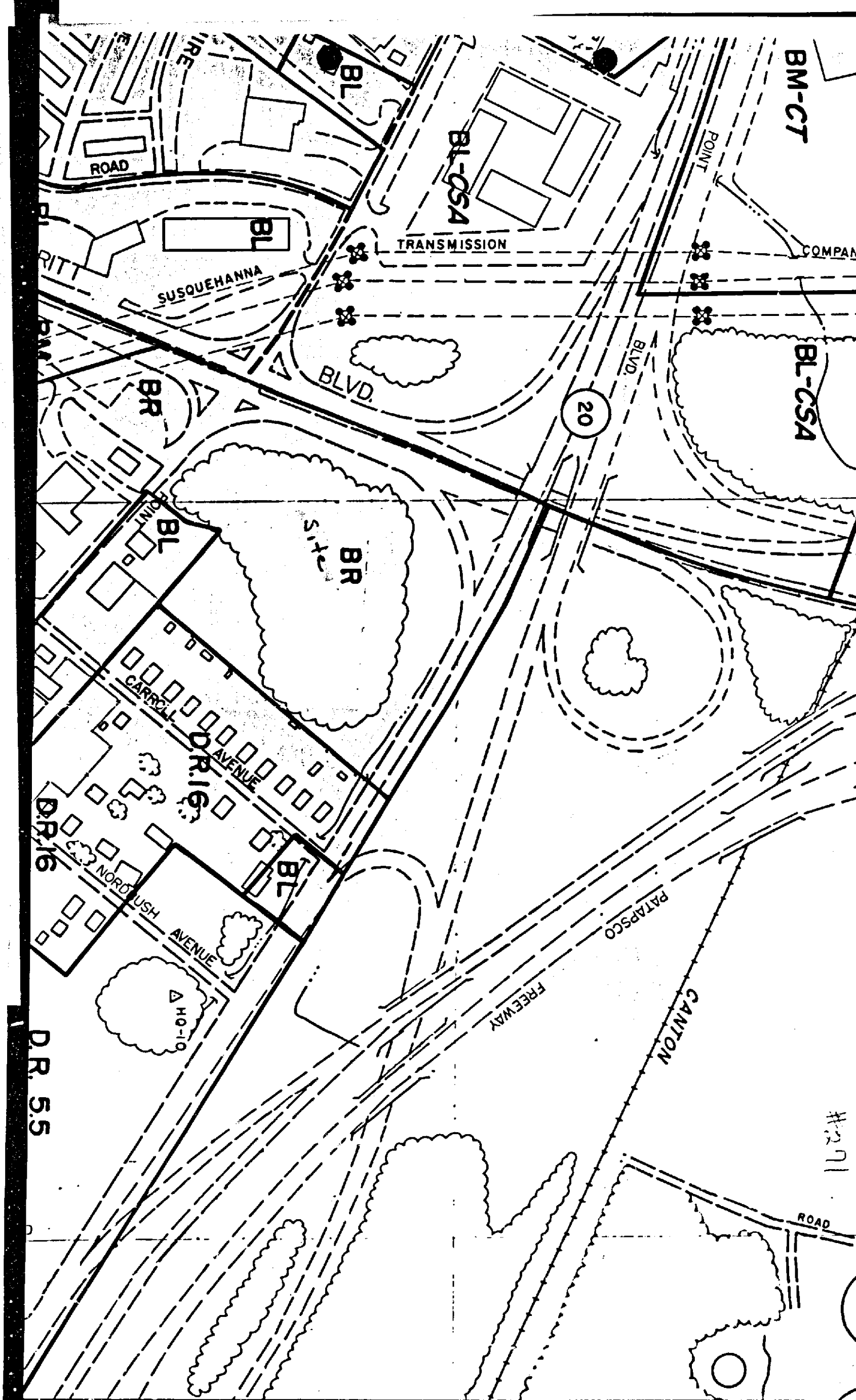
Petition for Special Exception and Zoning Variance  
CASE NUMBER: 89-362-XA  
E/S Merritt Blvd., 100' NE of North Point Blvd.  
12th Election District - 7th Councilmanic  
Petitioner(s): PTW Limited Partnership  
HEARING SCHEDULED: FRIDAY, MARCH 10, 1989 at 9:30 a.m.

Special Exceptions: A living quarters in a commercial building pursuant to Section 236.4. Variance for a 12 ft. side setback instead of the required 30 ft. for the office/residence; for a 15 ft. side setback instead of the required 30 ft. for the mini-storage building (1 story); to permit the following building to building setbacks in lieu of the maximum 60 ft; (a) 30 ft. between the proposed retail building and mini-storage building (1 story), and (b) 26 ft. between the two (2) mini-storage buildings, and 45 ft. between the mini-storage building (1 story) and the office/residence.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County

cc: Richard Israel  
E. Harrison Stone, Esq.  
File





**Traffic Impact Analysis  
for  
MERRITT STATION  
Baltimore County, Maryland**

Prepared for  
SIENA CORPORATION

**PETITIONER'S  
EXHIBIT 3**

February 14, 1989

THE TRAFFIC GROUP, INC.

**BALTIMORE COUNTY, MARYLAND  
INTEROFFICE CORRESPONDENCE**

TO: Zoning Advisory Committee DATE: January 24, 1989  
FROM: Robert W. Bowling, P.E.  
RE: Meeting of January 10, 1989

The Developers Engineering Division has reviewed the zoning items for the subject meeting. We have no comments for Items 266, 267, 268, 269, 270, and 271.

*Robert W. Bowling*  
ROBERT W. BOWLING, P.E., Chief  
Developers Engineering Division

RWB:s  
Encls.

89-362-XA

**BALTIMORE COUNTY OFFICE OF PLANNING & ZONING**

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this  
11th day of January, 1989.

*J. Robert Haines*  
J. ROBERT HAINES  
ZONING COMMISSIONER

Petitioner Richard E. Israel, et al Received by: James E. Dyer  
Attorney E. Harrison Stone al Chairman, Zoning Plans  
Advisory Committee

**BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL  
PROTECTION AND RESOURCE MANAGEMENT**

*Jan 18, 1989*  
Date

Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Zoning Item # 271, Zoning Advisory Committee Meeting of Jan 19, 1989  
Property Owner: PTW Ltd. Partnership  
Location: E/S Merritt Blvd. Dist. ct 12  
Water Supply public Sewage Disposal public

**COMMENTS ARE AS FOLLOWS:**

- ( ) Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- ( ) Prior to new installation/s of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 494-3775, to obtain requirements for such installation/s before work begins.
- ( ) A permit to construct from the Bureau of Air Quality Management is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- ( ) A permit to construct from the Bureau of Air Quality Management is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
- ( ) Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval. For more complete information, contact the Recreational Hygiene Section, Bureau of Regional Community Services, 494-3811.
- ( ) Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety, two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Recreational Hygiene Section, Bureau of Regional Community Services, 494-3811.
- ( ) Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information contact the Division of Maternal and Child Health.
- ( ) If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- ( ) Prior to razing of existing structure/s, petitioner must contact the Division of Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 494-3775.
- ( ) Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 494-2768.
- ( ) Soil percolation tests, have been        must be        conducted.
- ( ) The results are valid until       .
- ( ) Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- ( ) Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- ( ) In accordance with Section 13-117 of the Baltimore County Code, the water well yield test ( ) shall be valid until       .
- ( ) is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- ( ) Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- ( ) If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.
- ( ) Others a water quality pond shall be required for site

Review plans must be submitted and approved by Environmental Impact Review Section.  
For more information call 887-3980

*J. R. Etnick*  
J. R. Etnick  
BUREAU OF WATER QUALITY AND RESOURCE  
MANAGEMENT

**BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE**

February 27, 1989

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

000

**MEMBERS**

Bureau of  
Engineering  
Department of  
Traffic Engineering  
State Roads Commission  
Bureau of  
Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial  
Development

E. Harrison Stone, Esquire  
102 W. Pennsylvania Avenue  
Towson, MD 21204

RE: Item No. 271, Case No. 89-362-XA  
Petitioner: Richard E. Israel, et al  
Petition for Special Exception and Zoning Variance

Dear Mr. Stone:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN MY WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

*James E. Dyer*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

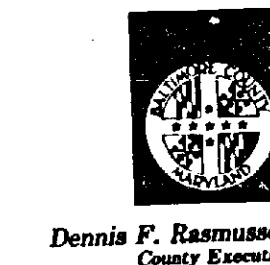
JED:jw

Enclosures

cc: Mr. Richard Israel  
8350 Belair Court, Suite 101  
Jessup, MD 20794

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
Courts Building, Suite 405  
Towson, Maryland 21204  
(301) 887-3554

January 17, 1989



Dennis F. Rasmussen  
County Executive

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item numbers 266, 267, 268, 269, 270, and 271.

*Michael S. Flanagan*  
Michael S. Flanagan  
Traffic Engineer Associate II

MSE/LWV

**Maryland Department of Transportation  
State Highway Administration**

Richard H. Trainor  
Secretary  
Hal Kassoff  
Administrator

January 23, 1989

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204  
Att: James Dyer

Re: Baltimore County  
Zoning Station  
Meeting 1/10/89  
N/S North Point Blvd.  
MD 20  
east of Merritt Blvd.  
Item # 271

Dear Mr. Haines:

After reviewing the submittal for a special exception for a living quarters in a commercial building, and a variance for various setbacks, we have the following comments:

This plan has been forwarded to our Assistant District Engineer for Traffic for his review and comment on this proposed development.

Also, we are requesting the developer supply us with a traffic impact study showing what impact this development will have on the existing signalized intersection of Old North Road and Merritt Boulevard. This study must be submitted for review prior to approval from our office.

If you have any questions, contact Larry Brocato (333-1350).

Very truly yours,

*Gregory J. Mills, Jr.*  
Gregory J. Mills, Jr.  
Chief Bureau of Engineering  
Access Permits

LB/es

cc: Darrell Wiles w/att  
STV/Lyon Associates

My telephone number is (301) 333-1350

Teletypewriter for Impaired Hearing or Speech  
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717

**ZONING OFFICE**

Baltimore County  
Fire Department  
Towson, Maryland 21204-2586  
494-4500

Paul H. Reincke  
Chief

January 12, 1989

J. Robert Haines, Zoning Commissioner  
Office of Planning & Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Re: Property Owner: PTW Ltd. Partnership

Location: E/S Merritt Blvd., 100' NE of c/1 of N. Pt. Rd.

Item No.: 271

Zoning Agenda: Meeting of 1/10/89

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- (X) 1. Fire hydrants for the referenced property are required and shall be located at intervals or 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at        exceeds the maximum allowed by the Fire Department.
- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- ( ) 6. Site plans are approved, as drawn.
- ( ) 7. The Fire Prevention Bureau has no comments at this time.

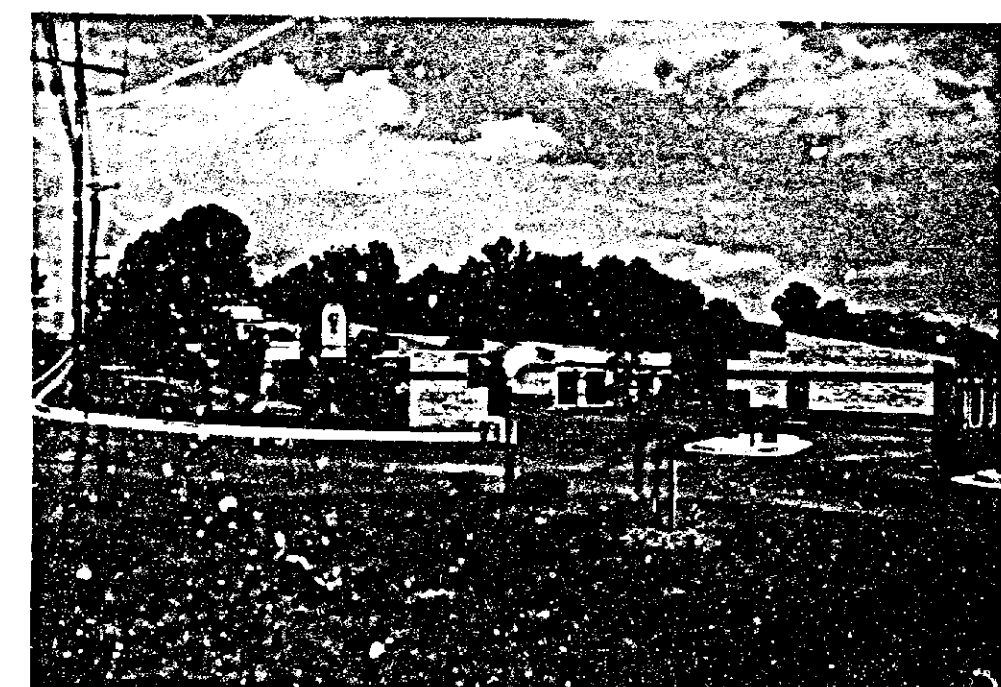
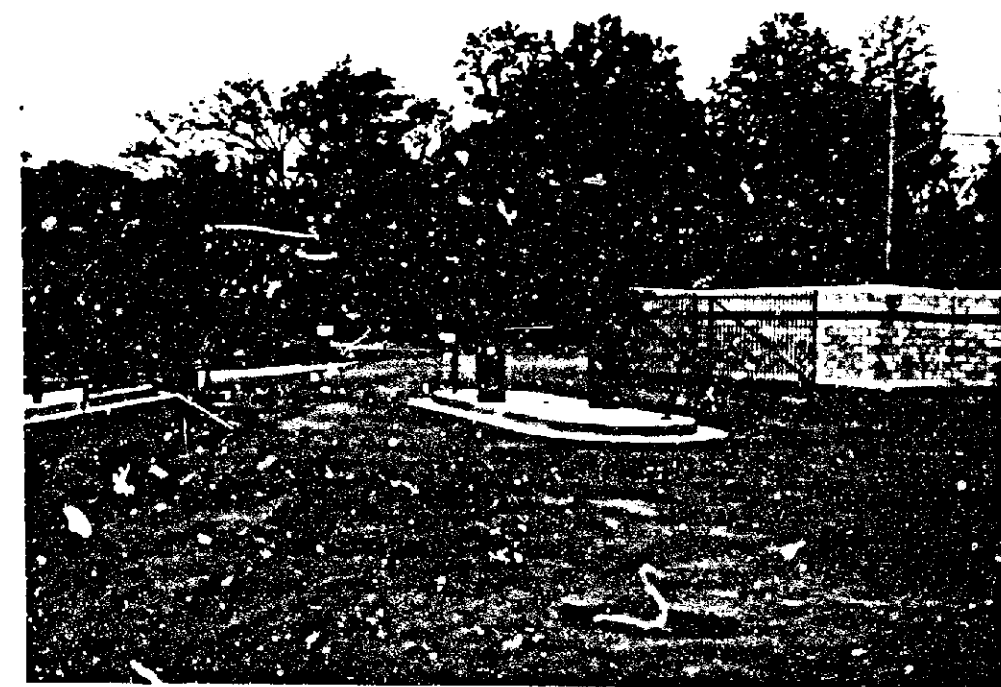
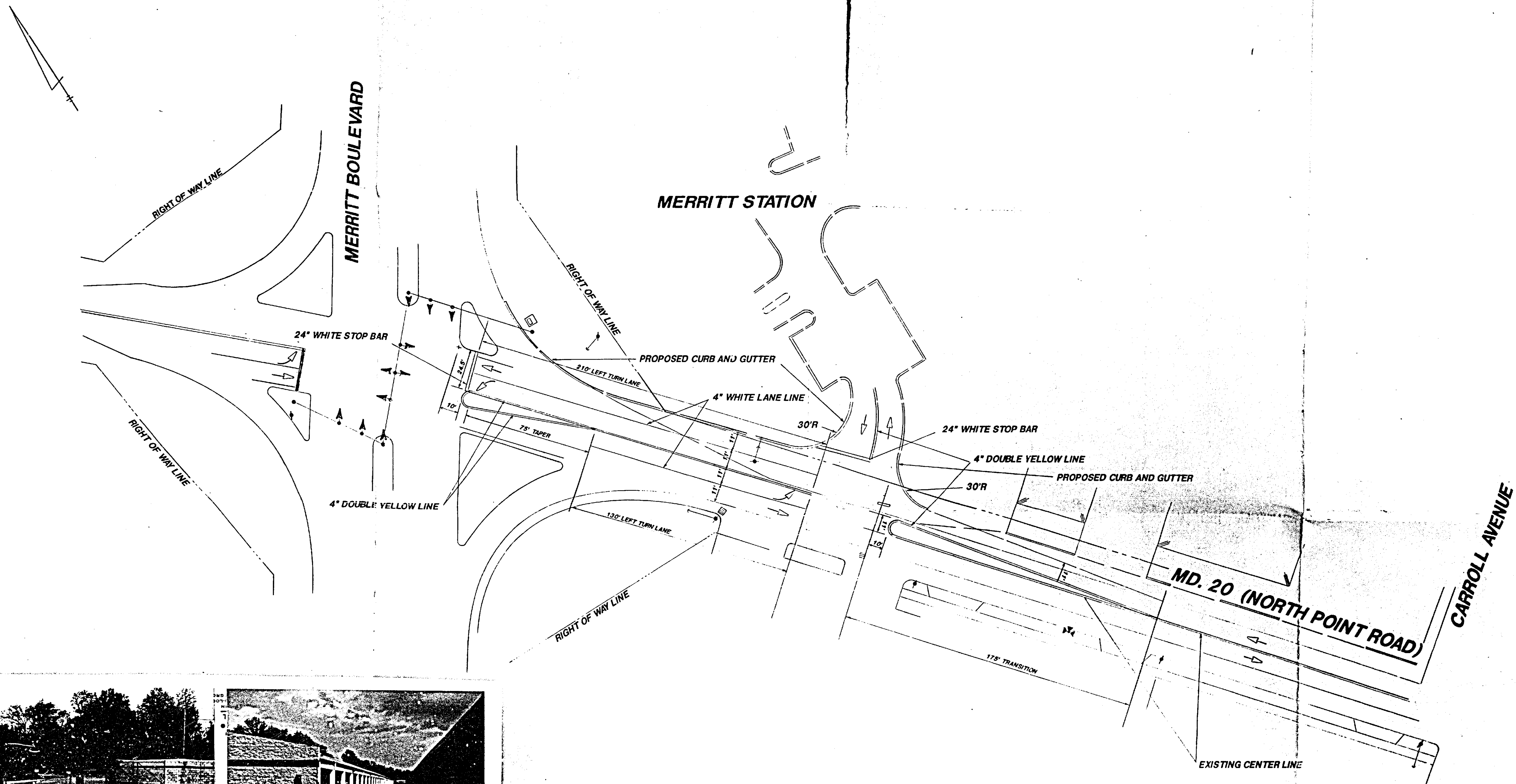
REVIEWER: *Paul H. Reincke*  
Paul H. Reincke  
Special Inspection Division

NOTED &

APPROVED: *J. R. Etnick*  
J. R. Etnick  
Fire Prevention Bureau

/s/





THE TRAFFIC GROUP, INC.  
 414 East Joppa Road  
 Towson, Maryland 21204  
 Telephone 301-583-8405

REVISIONS			
NO.	DESCRIPTION	BY	DATE
1			
2			
3			
4			
5			
6			

**MERRITT STATION**

SCALE: 1"=20'  
 DATE: FEB. 19, 1959  
 DRAWN BY: J. BOLINO  
 DESIGNED BY:  
 JOB NUMBER: 81219



**LEGEND**

PROPERTY LINE

EXISTING GRADE

PROPOSED LIGHT

PARKING SPACES

EX. SANITARY SEWER

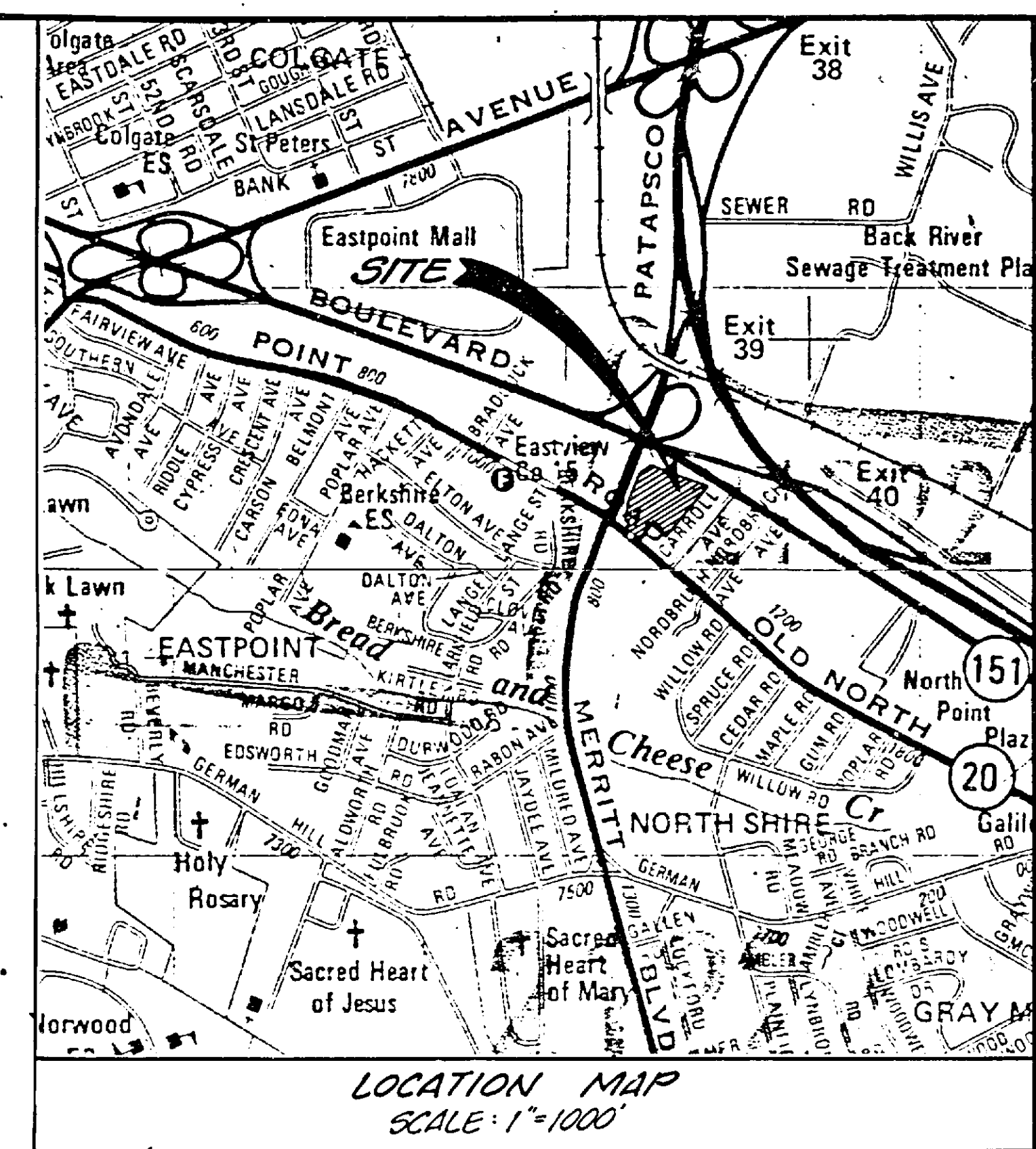
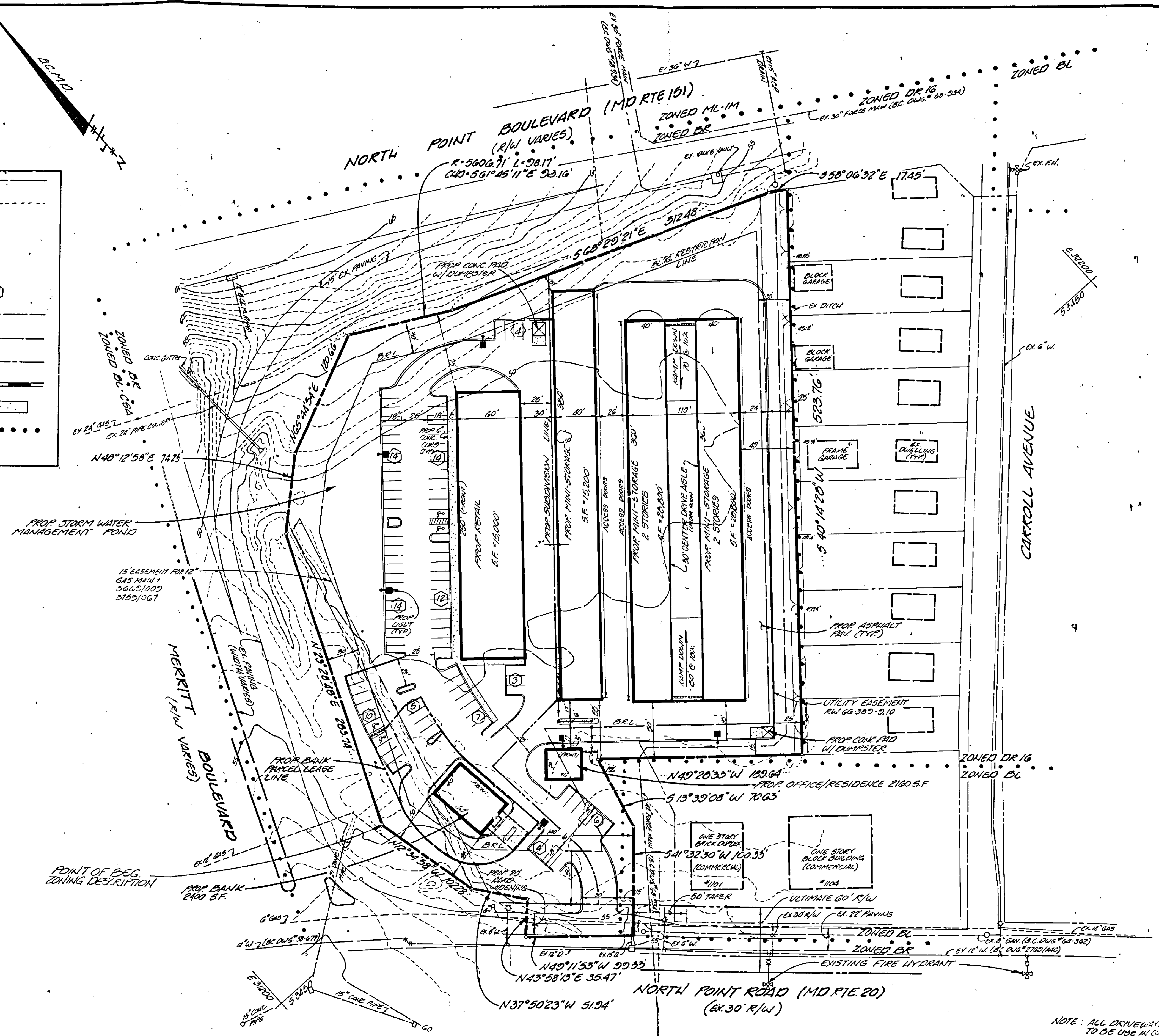
EX. WATER

EX. STORM DRAIN

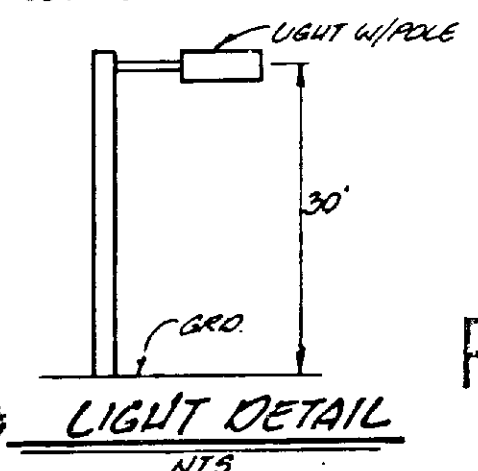
PROPOSED STORM DRAIN

PROPOSED CONCRETE

ZONING LINE



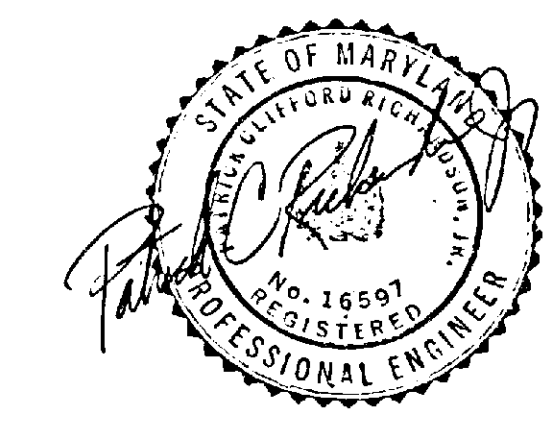
- GENERAL NOTES:**
- GROSS SITE AREA: 5.274 AC ±  
NET SITE AREA: 5.19 AC ±
  - EXISTING ZONING: BR  
PROPOSED ZONING: NO CHANGE
  - SPECIAL EXCEPTION PER SECTION 236.4 TO ALLOW LIVING QUARTERS IN A COMMERCIAL BUILDING.  
VARIANCE PER SECTION 238.2 FOR A 12' SETBACK INSTEAD OF THE REQUIRED 30' FOR THE OFFICE/RESIDENCE.  
VARIANCE PER SECTION 238.2 FOR A 15' SETBACK INSTEAD OF THE REQUIRED 30' FOR THE MINI-STORAGE BUILDING.  
VARIANCE PER SECTION 102.2 FOR A 30' SETBACK BETWEEN THE PROPOSED RETAIL BUILDING AND MINI-STORAGE BUILDING INSTEAD OF THE REQUIRED 60'.  
VARIANCE PER SECTION 102.2 FOR A 26' SETBACK BETWEEN THE MINI-STORAGE BUILDINGS INSTEAD OF THE REQUIRED 60'.  
VARIANCE PER SECTION 102.2 FOR A 45' SETBACK BETWEEN THE MINI-STORAGE BUILDING AND THE OFFICE/RESIDENCE BUILDING.
  - PARKING REQUIREMENTS:  
15,000 S.F. RETAIL @ 5 PER 1,000 S.F. = 75  
1,080 S.F. OFFICE @ 3.3 PER 1,000 S.F. = 4  
1,080 S.F. RESIDENCE @ 2 PER EACH = 2  
2,400 S.F. BANK @ 3.3 PER 1,000 S.F. = 8  
TOTAL REQUIRED = 89 SPACES  
TOTAL PROVIDED = 89 (INCLUDES 4 HANDICAPPED SPACES)
  - NO STREAMS EXIST ON OR WITHIN 50' OF PROPERTY.
  - PARKING SPACE SIZE: 8-1/2' X 18'
  - PAVING: ASPHALT
  - LIGHTING: GARAGE 400 WPS LIGHT/W TYPE I DISTRIBUTION. BUILDINGS WILL HAVE WALL MTD WPS FIXTURES.



**PETITIONER'S EXHIBIT 1**

PRINTED DEC 21 1988

STVLON ASSOC.



**STV / LYON ASSOCIATES**

Engineers Surveyors Planners

21 Governor's Court Baltimore, Maryland 21207

Telephone : 301-944-9112

REVISIONS		
NO	DATE	DESCRIPTION

**DEVELOPER:**  
SIENA CORPORATION  
6350 BRISTOL COURT, SUITE 101  
JESSUP, MD 20794  
(301) 792-0395

**OWNER:**  
PTW LIMITED PARTNERSHIP  
96 SIENA CORPORATION  
6350 BRISTOL COURT SUITE 101  
JESSUP, MD 20794  
ATTN: MR. RICHARD ISRAEL

PLAN PREPARATION	
DRAWN BY J.E.F.	DATE 11/22/88
DESIGNED BY P.R./J.E.F.	SCALE 1"=50'
CHECKED BY	

PLAT TO ACCOMPANY ZONING PETITION

**MERRITT STATION**

12th ELECTION DISTRICT BALTIMORE CO., MD

DRAWING NO. 0205-62-128

SHEET NO. 1 of 1



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

June 3, 1998

AMRESO CAPITAL, L.P.  
c/o McGuire, Woods, Battle & Boothe LLP  
The Blaustein Building  
One North Charles Street  
Baltimore, MD 21201

RE: Zoning Verification  
1100 North Point Road  
EZ Store, Merritt Station  
15th Election District

To Whom It May Concern:

Your letter to Arnold Jablon, Director of Permits and Development Management, has been referred to me for reply. The zoning of this site per the 1 inch = 200 feet scale zoning map #SE-1F is B.R. (Business Roadside). As such, the use of the site as an EZ store (mini-warehouse) is permitted. Granted zoning hearing case #89-362-X and #89-500-SPHXA permitted building uses and setbacks. The site was also approved on the latest amended County Review Group (CRG) plan, file #XV-486. Any structure damaged to any extent or destroyed by fire or other casualty may be restored within two (2) years after such destruction or damage, provided it complies with the prior zoning hearings. Density requirements are not applicable on this site. Per the aforementioned zoning hearings and CRG plan, the required number of parking spaces is 22.

A review of files in the Code Enforcement office found no violations or alleged violations within the past three (3) years or any enforcement proceedings against this site that are pending or contemplated. All required fees have been paid and no such fees which would have applicability to the project are pending or contemplated.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

A handwritten signature in dark ink, appearing to read "John J. Sullivan, Jr." followed by a stylized flourish.  
John J. Sullivan, Jr.  
Planner II, Zoning Review

JJS:rye

c: zoning case #89-500-SPHXA & #89-362-X

Enclosure



Printed with Soybean Ink  
on Recycled Paper